

**ZB# 03-03**

**Franco Fidanza**

**45-1-40.21**

03-03 FRANCO FIDANZA (PLANET WINGS)  
45-1-40.21 SIGN VARIANCE

Feb 24th P.H.

APPROVED

4/03

## APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

FILE # 03-03 TYPE: AREA sign USE \_\_\_\_\_APPLICANT: Francis Fidanga (Planet Wings)  
24 Sunny Side Ave  
Middletown, NY 10940  
TELE: 342-5705RESIDENTIAL: \$ 50.00 CHECK # \_\_\_\_\_  
COMMERCIAL: \$150.00 CHECK # 337  
INTERPRETATION: \$150.00 CHECK # \_\_\_\_\_  
ESCROW: \$500.00 CHECK # 338DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>1/27</u> .....	\$ <u>31.50</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIM.....	_____	_____
3 <sup>RD</sup> PRELIM.....	_____	_____
PUB HEARING..... <u>2/24</u> .....	<u>27.00</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u>58.50</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ \_\_\_\_\_

• • • • • • • • • •

ESCROW POSTED: \$ 500.00  
AMOUNT DUE: \$ \_\_\_\_\_  
REFUND DUE: \$ 371.50Prelim - 1/27/03  
P.H. - 2/24/03



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE ZONING BOARD OF APPEALS

April 29, 2003

Franco Fidanza ( Planet Wings)  
24 Sunnyside Avenue  
Middletown, NY 10940

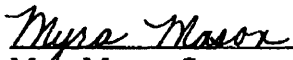
SUBJECT: 45-1-40.21 VARIANCE REQUEST

Dear Mr.Fidanza:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

  
Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 45-1-40.21

-----X  
In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**FRANCO FIDANZA (PLANET WINGS)**

**AREA**

CASE #03-03  
-----X

**WHEREAS, Franco Fidanza**, owners of 325 Windsor Highway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 146 sq. ft. and 3 ft height for free-standing sign; and request for 3.5 ft. X 12 ft. for wall signs in a C zone; and

**WHEREAS**, a public hearing was held on the February 24th, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application, together with the sign contractor, Carmine Rotundo; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a commercial property located in a neighborhood of commercial properties on a busy state highway;
  - (b) The variance request for a façade sign is to replace the façade sign that is there with a sign of the same size in the same location;
  - (c) The sign will be internally illuminated and will not have any flashing or neon;

- (d) The free-standing sign that has existed, there have been no complaints, either formal or informal about the free-standing sign that is existing;
- (e) The free-standing sign will not block the vision or impair the safe operation of motor vehicles on the adjacent highway;
- (f) The proposed free-standing sign will actually be smaller in overall size than the existing sign;
- (g) The applicant is seeking a variance for an additional façade sign since one façade sign will only contain the logo of the business;
- (h) The additional sign will contain the letters of the business only;
- (i) The additional façade sign will be internally illuminated and consists of channel letters;
- (j) The illumination on the façade sign will not be flashing or contain any neon;

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at

the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

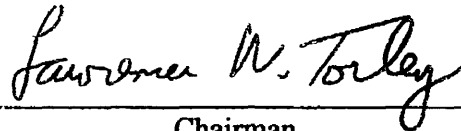
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 146 sq. ft. and 3 ft height for free-standing sign; and request for 3.5 ft. X 12 ft. for wall signs in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2003



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Chairman

**TOWN OF NEW WINDSOR  
ENGINEER, PLANNING BOARD  
AND ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: APRIL 25, 2003**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 371.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #03-03**

**NAME: FRANCO FIDANZA (PLANET WINGS)**

**ADDRESS: 24 SUNNYSIDE AVENUE**

**MIDDLETOWN, NY 10940-3810**

**THANK YOU,**

**MYRA**

*4/25/03  
L.R.*



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 01-17-2003

FOR: #03-03 ESCROW

FROM: FRANCO FIDANZA


24 SUNNYSIDE AVENUE

MIDDLETOWN, NY 10940-3810

CHECK NUMBER: #338

AMOUNT: \$500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

1-17-03  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

FRANCO FIDANZA (PLANET WINGS) (03-03)

MR. TORLEY: Request for 146 sq. ft. and 3' height for freestanding sign; request for 3.5 ft. x 12 ft. for wall signs on Windsor Highway in a C zone.

Mr. Carmine Rotundo and Mr. Franco Fidanza before the board for this proposal.

MR. TORLEY: Before we begin, is there anyone in the audience who wishes to speak on this matter? Let the record show there's none. Sir?

MR. ROTUNDO: I'm Carmine from Light Bright Signs. I'm representing Mr. Fidanza.

MR. TORLEY: Do we have a proxy on this? If you're not the applicant, theoretically, we need a proxy to show that you're speaking on his behalf.

MR. ROTUNDO: The applicant's here.

MR. TORLEY: Problem solved.

MR. KANE: Tell us what you want to do.

MR. ROTUNDO: We're basically trying to get a variance for the freestanding sign. We have an existing freestanding sign of 312 square feet and we want to propose a freestanding sign of 210 square feet so we're actually going to make it smaller but it still doesn't apply to your code. So we need a variance for that. The side of the building we're under 25 square feet but I guess it's written in the paperwork that we need a variance for it but I don't see why.

MR. KANE: Let's stay with the freestanding sign if we can. You have a difference on the height on that?

MR. ROTUNDO: The height going to be the same.

MR. BABCOCK: Well, existing height is the same.

MR. KANE: Sign's already there, we're not adding 3 feet, we're making what's there legal.

MR. BABCOCK: Yes.

MR. TORLEY: And that sign is internally lit?

MR. ROTUNDO: Yes.

MR. TORLEY: No flashing neon?

MR. ROTUNDO: No.

MR. KANE: Any complaints about the sign?

MR. ROTUNDO: No. I gave you guys a colored rendering of it last meeting.

MR. KANE: At the public hearing, you kind of repeat everything for this meeting.

MR. MC DONALD: No sight distance being blocked?

MR. ROTUNDO: No more than what's here, I don't think so.

MR. FIDANZA: The other property sits lower so it drops.

MR. KANE: So basically on the freestanding sign where you're shrinking the overall size of it and keeping the height for what's existing there right now?

MR. ROTUNDO: Yes.

MR. KANE: As far as the wall sign, you're looking for a 3 1/2 foot by 12, are these existing signs also replacing existing signs?

MR. ROTUNDO: No.

MR. TORLEY: I'm a little confused on signs again for the record these wall signs are, is it just your logo or text as well?

MR. ROTUNDO: One side of the building has just the logo which is this one and the front of the building we

want this, this is--

MR. FIDANZA: That's our standard logo with the lettering.

MR. TORLEY: And this sign we're now referring to a sign with the Planet Wings text around the logo, now the dimensions of that sign are?

MR. ROTUNDO: Well, the letters are 16 inches high and the logo is 6 foot high by 43 inches.

MR. BABCOCK: We made it rectangular and we're saying the sign is 6 foot high and 22 feet long, we're counting the whole shaded area of that paper, that green shade.

MR. KANE: But what you're doing is you're counting from the letters all the way up?

MR. BABCOCK: Right.

MR. TORLEY: The question then is the actual, how far is it from the beginning of the P to the end of the S?

MR. ROTUNDO: Well, we've got 6 feet and 81 inches, that's 13 feet and 4, 19 feet.

MR. BABCOCK: We calculated 22 for some reason so for some reason that's how we got the number 22.

MR. TORLEY: Spacing around.

MR. KANE: How far off the roadway is this sign going to be?

MR. ROTUNDO: On a store front, I don't know how.

MR. FIDANZA: On the building front probably 50 feet off, 45 feet.

MR. TORLEY: Is there a smaller sized sign that the corporation has?

MR. FIDANZA: That's our channel letters, I mean, it's

16 inches are already shrunk.

MR. ROTUNDO: Yeah, that's only this high.

MR. FIDANZA: Cause you've got the actual box.

MR. ROTUNDO: Technically, he's counting it as a rectangle but it's a lot of empty space there.

MR. KANE: What we're saying the emblem itself is making the sign over?

MR. BABCOCK: Yes, if he was to take that emblem out and scrunched Planet Wings together, he would probably meet the code, would just barely exceed it.

MR. ROTUNDO: This is only 24 extra square feet but it's making it seem like it's--

MR. MC DONALD: Actual logo is 6 by 43?

MR. BABCOCK: That's right.

MR. RIVERA: Entirely illuminated?

MR. ROTUNDO: Internally illuminated, it's a channel letter.

MR. KANE: Steady illumination?

MR. ROTUNDO: Yeah, it's got neon inside, no flashing.

MR. TORLEY: Other wall sign is simply the logo and that's going to be where?

MR. ROTUNDO: According to the code, you're allowed 24 square feet.

MR. TORLEY: You're allowed one wall sign.

MR. KANE: You're going for an additional sign.

MR. ROTUNDO: I thought the second sign you can have.

MR. BABCOCK: You have to keep in mind it's not square

footage, you're allowed a 2 1/2 foot high by 10 into the sign, can't multiply that and come out.

MR. ROTUNDO: We're going for the other variance.

MR. KANE: Going for an additional sign and what's the size of the additional sign that you're planning to put on?

MR. ROTUNDO: 43 inches by 6 foot so 24 square feet.

MR. BABCOCK: Well, he's allowed, if he was allowed the additional sign he would be allowed a 2 1/2 by 10, we're saying just for round figures it's 6 foot by 4 foot so he needs a 3 1/2 by 6 foot variance.

MR. KANE: And an additional.

MR. BABCOCK: Plus that additional sign and it's just the logo.

MR. KANE: Let me square this away, we need 146 square feet for the freestanding?

MR. BABCOCK: Yes.

MR. KANE: And a three foot height and that's an existing height and for the front logo we need a 3.5 foot by 12 foot variance?

MR. BABCOCK: That's correct.

MR. KANE: That's for the allowable sign?

MR. BABCOCK: That's correct.

MR. KANE: We need a variance for an additional wall sign?

MR. BABCOCK: That's correct.

MR. KANE: We need a variance for a 3.5 by 6 area on the additional sign?

MR. BABCOCK: Correct.

MR. TORLEY: Which building face is the logo going to be on?

MR. ROTUNDO: Facing towards Route 32.

MR. FIDANZA: Just the logo that's coming down heading towards Newburgh on the right by the paint store.

MR. ROTUNDO: Just the building is set up for something there right in the building.

MR. TORLEY: Internally lit sign, no neon, no flashing?

MR. ROTUNDO: Nothing flashing.

MR. TORLEY: Again, no one in the audience requesting to speak on this so I'll open and close it to the public, turn it back over to you gentlemen. Any other questions?

MR. RIVERA: No.

MR. KANE: Mr. Chairman, I move that we approve the following requested variances for Planet Wings on Windsor Highway, they are as follows, 146 square feet and a three foot height variance on the freestanding sign, a 3.5 foot by 12 foot variance on the front wall sign, a variance for an additional wall sign and a 3.5 by 6 foot size variance for that additional wall sign.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. TORLEY	AYE



RESULTS OF Z.B. MEETING OF:

February 4, 2003

PROJECT: James Tidanza (Planet Wings)

ZBA # 03-03

PUBLIC HEARING

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) K S) M VOTE: A 4 N 0.

RIVERA

MC DONALD

~~REIS~~

KANE

TORLEY

A  
A  
-  
A  
A

CARRIED: Y ✓ N

146 sf

3' ht

3 1/2 x 12' front wall

Additional Wall

3.5 x 6 ↑





# Planet Wings & Pizza World


**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: 12/9/02**

**APPLICANT: Franco Fidanza  
24 Sunny Side Avenue  
Middletown, NY 10940**

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 12/4/02**

**FOR : Plant Wings Inc.**

**LOCATED AT: 325 Windsor Highway**

**ZONE: C      Sec/Blk/ Lot: 45-1-40.21**

**DESCRIPTION OF EXISTING SITE: Planet Wings Restaurant**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-18, H-1(a&b)**

**1. Freestanding sign requires a variance for height and square footage. Façade sign requires a variance  
for exceeding the permitted height and width.**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: C      USE: 1 Freestanding sign

SIGN:

FREESTANDING:	64sqft	210sqft	146sqft
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HEIGHT:

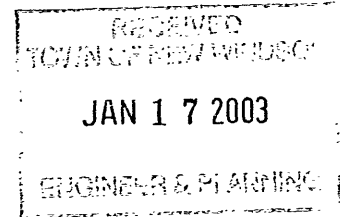
HEIGHT	15ft	18ft	3ft
WIDTH:			

WALL SIGNS:	2.5ftx10ft	6ftx22ft	3.5ftx12ft
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TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP



03-03

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

DEC 04 2002

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 002-1325

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

FRANCO FIDANZA

Address

24 Sunny side Ave

Phone #

845-342-5705

Mailing Address

Same Minnetonka NY 10940

Fax #

845-344-2958

Name of Architect

Philip G Higby

Address

148 Grange Rd

Phone

386-4502

Name of Contractor

Frank Lite brite Signs, Inc.

Address 51 Montgomery Street Phone 845-343-7416  
Middletown, NY 10940  
State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

James Luter (Planet Wings)  
(Name and title of corporate officer)

1. On what street is property located? On the Right side of North,  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y N X
3. Tax Map Description: Section 45 Block 1 Lot 45-140:21
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy Planet Wings Fast Food Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Sign
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 12' Rear 12' Depth 2' Height 17.75' No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost

6,000.00

Fee

50.00

CH#02389

**PAID**

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4885 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

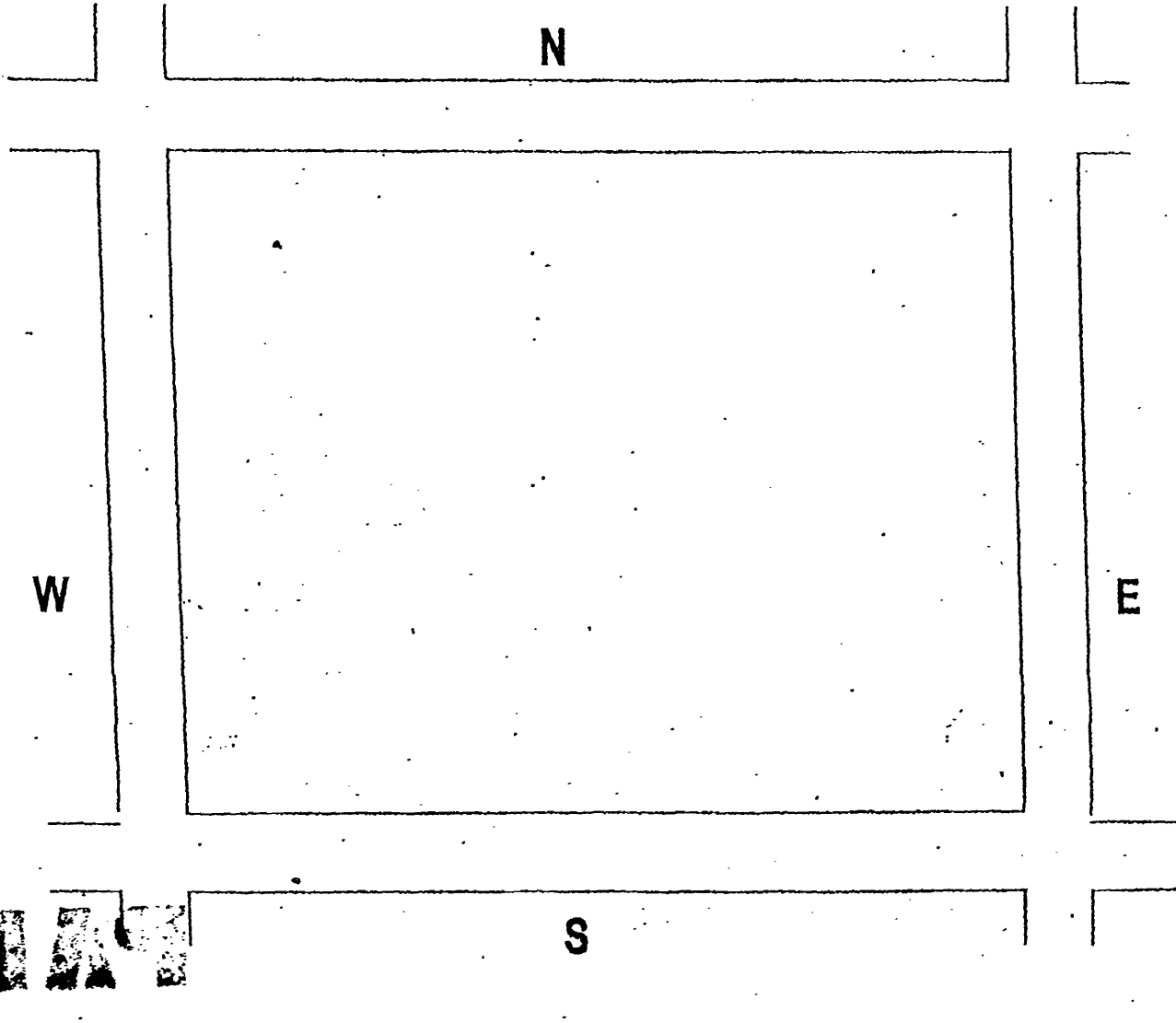
(Signature of Applicant)

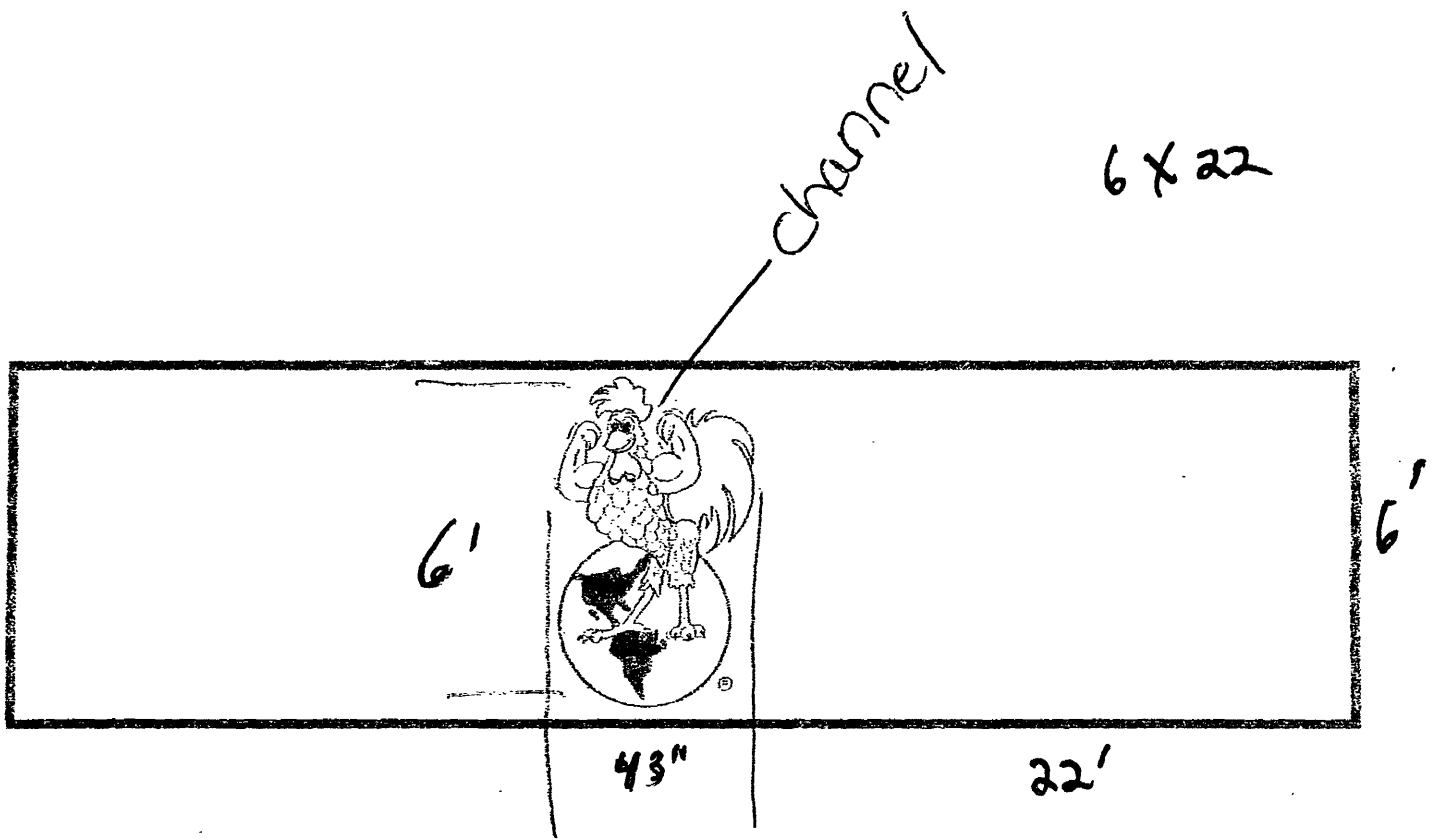
24 Sunnyside Ave  
(Address of Applicant)

(Owner's Signature)

**PLOT PLAN**

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







No. 32

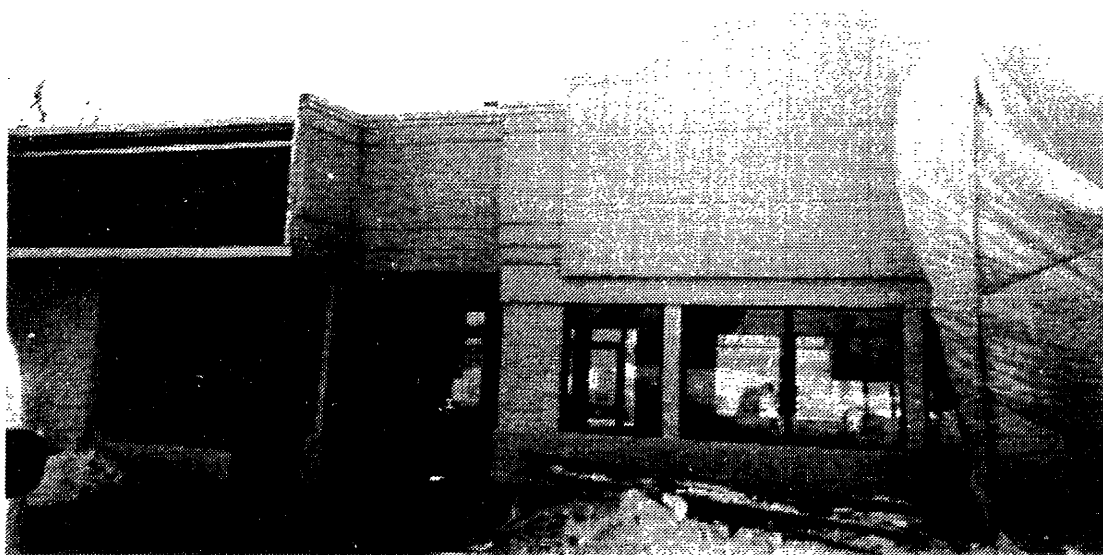
DRIVE

USKET

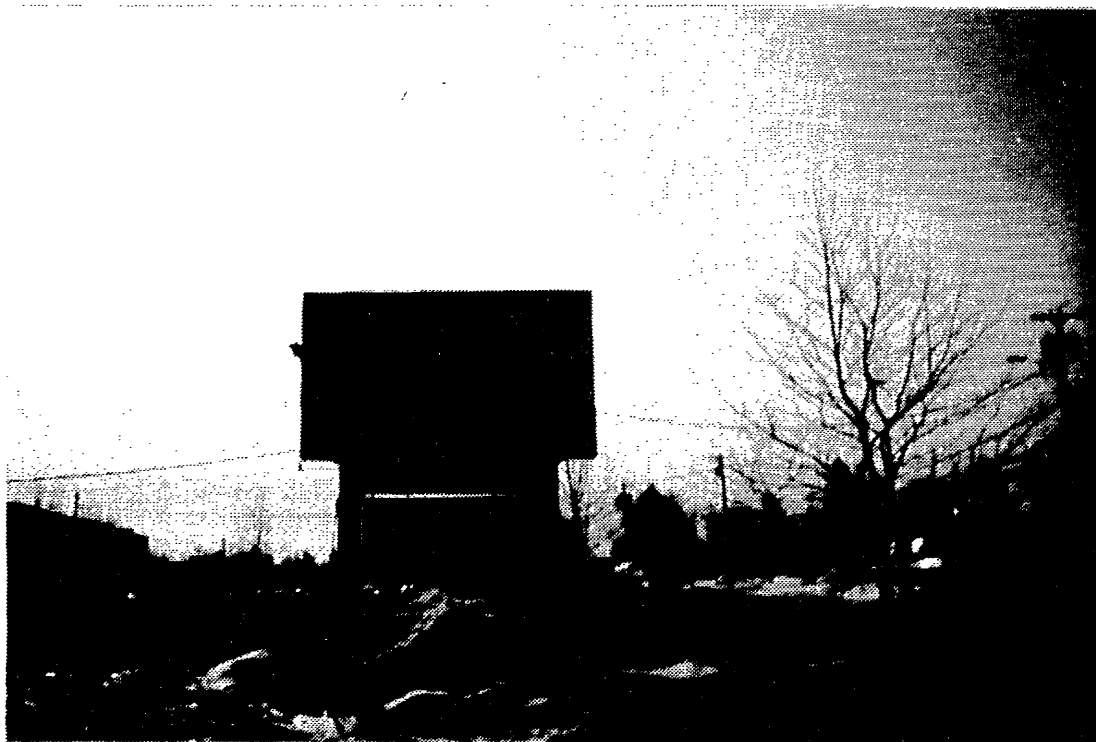














# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

February 19, 2003

Mr. Franco Fidanza (Planet Wings)  
24 Sunny Side Avenue  
Middletown, NY 10940

SUBJECT: ZBA #03-03 REQUEST FOR VARIANCE

Dear Mr. Fidanza:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

PLANET WINGS  
RT. 32  
NEW WINDSOR, NY

is scheduled for the February 24th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



TOTAL CHARGES:

FIDANZA, FRANCO (PLANET WINGS) (03-03)

Mr. Carmine Rotundo appeared before the board for this proposal.

MR. TORLEY: Request for 146 sq. ft. and 3' height for freestanding sign; request for 3.5 ft. x 12 ft. for wall signs in a C zone on Windsor Highway.

MR. ROTUNDO: We've got pictures of the existing sign and what we want and then do you have a copy of the application?

MR. TORLEY: It's in here someplace.

MS. MASON: I have the application.

MR. TORLEY: Here you go.

MR. ROTUNDO: I'm kind of jumping into this, the square footage on the proposed pylon should be 108, I don't know what he wrote down.

MR. TORLEY: Showing here as 210.

MR. ROTUNDO: It's 108 from one side.

MR. TORLEY: We do both sides.

MR. ROTUNDO: Okay.

MR. TORLEY: Now, according to this, it's the sign itself is 81 inches high and 12 feet long and there's a reader board of two feet by 24.

MR. ROTUNDO: That's 3 feet by 8 feet.

MR. TORLEY: 3 x 8?

MR. ROTUNDO: Yes.

MR. TORLEY: Both sides you have 162 square feet of the sign and 48 square feet of the reader board or 210 feet total?

MR. ROTUNDO: Yes.

MR. MC DONALD: Is this sign existing?

MR. ROTUNDO: Yes, it is. The sign that's existing is 312 square feet, we want to go from that 312 square foot down to 210 square foot and I got a nice colored picture of the proposed new one so cause the top of this building has that arc, you know, and you kind of want to match the building and it looks a lot better than this one here.

MR. TORLEY: And you're actually bringing it closer to the zoning code by this change.

MR. ROTUNDO: Yes, basically, and this whole sign here lights, this is not going to lit, the whole background, the only thing that's going to be lit are the letters, they're going to be like a channel letter so it's going to look really classy.

MR. TORLEY: It's going in the same physical place?

MR. ROTUNDO: Yes, we're going to wrap the poles, you know, so they look--

MR. TORLEY: Not flashing lights?

MR. ROTUNDO: No flashing lights. Well, there's neon inside of it and we plan on wrapping the top of it like right here putting the strip of neon here, it's not flashing or anything.

MR. TORLEY: Just a border light?

MR. ROTUNDO: Yeah, exactly.

MR. TORLEY: As long as it's not flashing.

MR. ROTUNDO: The top of the sign is actually going to come out, it's just like an accent.

MR. TORLEY: It will match the architecture of the building?

MR. ROTUNDO: Yes.

MR. TORLEY: That's the freestanding sign?

MR. ROTUNDO: Yeah, freestanding.

MR. TORLEY: What about the wall sign?

MR. ROTUNDO: Well, the sign we're proposing, we have this on all his stores, it's a channel letter, his logo in the middle.

MR. TORLEY: And it's 22 feet by 6 feet?

MR. ROTUNDO: That's the whole overall building dimension 6 foot by 43 inches.

MR. TORLEY: That's the rooster, the rest of the channel wings?

MR. ROTUNDO: No, that's the overall building size.

MR. TORLEY: That picture shows the rooster and Planet Wings on either side so the dimensions where it goes from the P to the S, how far is that? See that's where, Mike, I assume you're using for the sign dimensions?

MR. BABCOCK: That's correct.

MR. ROTUNDO: You should have an overall there.

MR. TORLEY: That's where you came up with the 12 foot?

MR. BABCOCK: Yes.

MR. ROTUNDO: Cause we're proposing another sign on the other side of the building with just the chicken, I think that's the application you got for that, that's the other side of the building, there should be another.

MR. TORLEY: So you've got one sign that's 12 foot long and 3 1/2 feet high that says Planet Wings with a chicken in the middle, is that what the dimension was?

MR. BABCOCK: Well, we're taking that whole area which is, it says Planet Wings on each side of the chicken.

MR. TORLEY: But you're taking the whole sign, not just the lettering part of it?

MR. BABCOCK: That's correct. Well, that's what he gave us.

MR. TORLEY: Yes, that's what I'm looking at here so if--

MR. BABCOCK: It's substantially smaller in square footage than what we're giving you except we're taking the entire border from the highest point to the longest point.

MR. TORLEY: That's routine.

MR. BABCOCK: Yes.

MR. TORLEY: When you coming back for the public hearing, give me the dimensions of actually where the lettering would be.

MR. ROTUNDO: So you want an overall square?

MR. TORLEY: Mike's got the overall square.

MR. ROTUNDO: I have that, the word planet is 16 inches by 81 inches, the word wings is 16 inches by 71 inches.

MR. TORLEY: So we're looking at 152 plus.

MR. ROTUNDO: Then you got 39 inches or 43.

MR. TORLEY: 192 inches, okay.

MR. ROTUNDO: So--

MR. TORLEY: I wish we went to the metric system.

MR. ROTUNDO: You want the overall length by the overall width?

MR. TORLEY: You give him a sign, he takes the whole sign as the area but actually most of it--

MR. ROTUNDO: Is in the middle, so that's not really fair square footage wise.

MR. TORLEY: You can ask for that variance but by having this in the variance it says you're asking for a variance by this sign but actually only filling up this part of it.

MR. ROTUNDO: Yeah because that square footage would be a considerable amount of footage.

MR. TORLEY: The other sign you're only allowed one wall sign, he's asking for two, the second wall sign is just a chicken.

MR. BABCOCK: I don't even think we have that in our paperwork.

MR. ROTUNDO: We didn't need a variance for that, so I believe that that was just part of the--

MR. BABCOCK: Actually, you would, I'm not sure why they didn't.

MR. TORLEY: If it's just a logo, does it count as a sign?

MR. BABCOCK: Well, it's the board's discretion.

MR. TORLEY: I'm trying to remember in the past, we want to maintain a consistency here.

MR. BABCOCK: Since he's here, I would strongly suggest that we add it as the second sign and the size of it, this way there's never a question.

MR. TORLEY: Since it's just a chicken, let's--

MR. BABCOCK: We'll do it 6 foot by 43 inches.

MR. ROTUNDO: Okay, now, apparently, in your code book,

aren't you allowed a second sign up to a certain square footage, I believe it was 25 or something? Is that true?

MR. TORLEY: One wall sign and one facade sign and one freestanding sign, you can have other signs for like directional, traffic directions and things like that, so we'll amend the variance request for that extra sign.

MR. ROTUNDO: So we have it down at 6 foot by 43 inches.

MR. TORLEY: Chicken is not 6 feet high.

MR. BABCOCK: Yeah, it's 6 foot high by 43 inches wide.

MR. TORLEY: That's a sign? I thought it was something like that.

MR. BABCOCK: No, that's why I figured if he's here, he should be asking for it.

MR. ROTUNDO: It's less than 25 square feet.

MR. BABCOCK: I don't have any problem with it myself, it's just--

MR. TORLEY: We can amend the variance request for that.

MR. REIS: Accept a motion?

MR. MC DONALD: Second is going to be the chicken?

MR. ROTUNDO: Yes, I guess we're after three signs here, pylon, the chicken and the front sign.

MR. TORLEY: I'm appreciative of the fact that the pylon sign is being reduced from the existing sign and it looks nice.

MR. REIS: Accept a motion?

MR. TORLEY: Unless somebody else has any other

January 27, 2003

17

questions.

MR. RIVERA: How many entrances to the building?

MR. ROTUNDO: How many entrances, I believe there's 3, 3 entrances to your building.

MR. ROTUNDO: One in, one out, goes out the building and out the other side.

MR. BABCOCK: Really just one, it's one in and one out.

MR. TORLEY: Gentlemen, if there are no other questions, I'll accept a motion.

MR. REIS: Make a motion that we set up Franco Fidanza (Planet Wings) for the requested variances for the freestanding and the two wall signs.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE



1/20/03

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
100 N. Drury Lane  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
1/27/13	Zoning Board Mtg	75.00	
	Misc - 3		
	Route 321 W. Realty - 5		
	Fayo - 3		
	Fidanza - 7		
	Benichiasa - 8		
	26	117.00	
		192.00	



RESULTS OF Z.B.A. MEETING OF: January 29, 2003

PROJECT: Fidanza - Planet Wing ZBA # 03-03  
P.B.#



USE VARIANCE: NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
~~KANE~~ \_\_\_\_\_  
TORLEY \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
~~KANE~~ \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
~~KANE~~ \_\_\_\_\_  
TORLEY \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
~~KANE~~ \_\_\_\_\_  
TORLEY \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Reis S) M VOTE: A 4 N 0  
RIVERA A  
MCDONALD A  
REIS A CARRIED: Y ✓ N \_\_\_\_\_  
~~KANE~~ \_\_\_\_\_  
TORLEY A

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_.

RIVERA \_\_\_\_\_  
MC DONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
~~KANE~~ \_\_\_\_\_  
TORLEY \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_.

No flashing lites

Need demensions of where lettering will be

Add just chicken as second sign  
6' X 43"

Need amended referral

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

FRANCO FIDANZA (PLANET WINGS)

AFFIDAVIT OF  
SERVICE  
BY MAIL

#03-03

----- X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

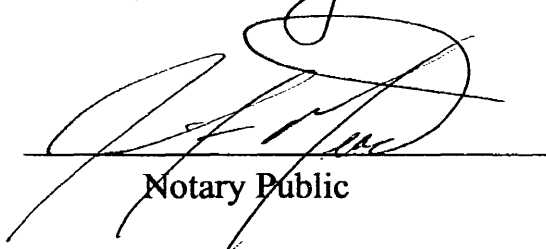
That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 10TH day of FEBRUARY, 2003, I compared the 43 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

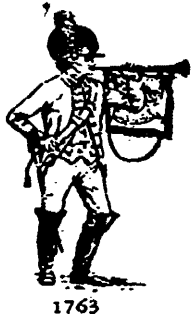
Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

10<sup>th</sup> day of February, 2003.

  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified in Orange County  
Commission Expires 10/30/ 2006



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

January 31, 2003

Franco Fidanza (Planet Wings)  
24 Sunnyside Ave.  
Middletown, NY 10940

Re: 45-1-40.21

Dear Mr. Fidanza:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley  
Sole Assessor

JTW/jjl  
Attachments

CC: Myra Mason, ZBA

35-1-57&amp; 35-1-59.1

Wadno Inc.  
310 Windsor Hwy.  
New Windsor, NY 12553 ✓

35-1-59.21

Route 32 NW Realty, LLC  
257 Route 17K  
PO Box 10150  
Newburgh, NY 12550 ✓

35-1-60

Jesse D. & Margaret Deyo  
340 Windsor Hwy.  
New Windsor, NY 12553 ✓

35-1-61

Newburgh Enlarged School District  
Attn: E. Phillips  
124 Grand Street  
Newburgh, NY 12550 ✓

35-1-102.1

Petro Metals, Inc.  
North Plank Development Company L.L.C  
5020 Rte. 9W  
Newburgh, NY 12550 ✓

35-1-102.2

Windsor Enterprises Inc.  
5020 Route 9W  
Newburgh, NY 12550 ✓

45-1-26

Samuel L., Ruby & Leon K. Jones  
28 Continental Drive  
New Windsor, NY 12553 ✓

45-1-27

Jean & Marie Louise Guillotin  
30 Continental Drive  
New Windsor, NY 12553 ✓

45-1-28

Joseph M. & Lillian D. Harris  
32 Continental Drive  
New Windsor, NY 12553 ✓

45-1-29

Rudolph & Elsie Rivera  
34 Continental Drive  
New Windsor, NY 12553 ✓

45-1-30

George A. Jr. & Laurel A. Heine  
36 Continental Drive  
New Windsor, NY 12553 ✓

45-1-31

William & Christine Gegenheimer  
38 Continental Drive  
New Windsor, NY 12553 ✓

45-1-32

Javier R. & Norma C. Garcia  
40 Continental Drive  
New Windsor, NY 12553 ✓

45-1-33

Gerald & Deborah Wynters  
& Herbert Milch  
42 Continental Drive  
New Windsor, NY 12553 ✓

45-1-34

Naomi S. Wessman  
44 Continental Drive  
New Windsor, NY 12553 ✓

45-1-35

Renee Kroun  
Under The Kroun Living Trust  
46 Continental Drive  
New Windsor, NY 12553 ✓

45-1-36

Chien-Min & Yao-Ming Lu  
48 Continental Drive  
New Windsor, NY 12553 ✓

45-1-37

Anne Hess & Mary Pascale  
50 Continental Drive  
New Windsor, NY 12553 ✓

45-1-38

Eleanor K. Kaduk  
PO Box 1206  
Newburgh, NY 12550 ✓

45-1-39

North Plank Development Company, LLC  
5020 Route 9W  
Newburgh, NY 12550 ✓

45-1-40

Rottmeier Dev. Co. Inc.  
C/o Rudolph Rottmeier  
2 Park Place A 3E  
Newburgh, NY 12550 ✓

45-1-40.23

William Horowitz Corp.  
6 Hamilton Drive East  
North Caldwell, NJ. 07006 ✓

45-1-41.1

Charles Catanzaro  
26 Susan Drive  
Newburgh, NY 12550 ✓

45-1-42

Susan Schatz  
8 Bridge Street  
Cornwall, NY 12518 ✓

45-2-1

Alexander M. & Patricia M. Milne  
27 Continental Drive  
New Windsor, NY 12553 ✓

45-2-2

Walter III & Joan H. Marvel  
25 Continental Drive  
New Windsor, NY 12553 ✓

45-2-3

Charles W. Jr. & Kathy L. Hunter  
15 Musket Place  
New Windsor, NY 12553 ✓

45-2-4

Peter A. & Dolores A. Valentino  
13 Musket Place  
New Windsor, NY 12553 ✓

45-2-5

James P. & Jennifer A. Mitru  
11 Musket Place  
New Windsor, NY 12553 ✓

45-2-6

Christopher T. & Jeannine Leggett  
9 Musket Place  
New Windsor, NY 12553 ✓



45-2-7  
Rose & Estelle Ryan Marvel  
7 Musket Place  
New Windsor, NY 12553 ✓

45-3-8  
Ronald H. Buckner & Diane  
Wilkinson-Buckner  
16 Cannon Drive  
New Windsor, NY 12553 ✓

45-2-8  
Ann C. Plass  
5 Musket Place  
New Windsor, NY 12553 ✓

45-4-1  
Kenneth & Catherine Rose  
21 Continental Drive  
New Windsor, NY 12553 ✓

45-2-9  
Robert L. & Theresa Penney  
3 Musket Place  
New Windsor, NY 12553 ✓

45-4-21  
Marguerite M. Brodeski  
10 Musket Place  
New Windsor, NY 12553 ✓

45-2-12  
Thomas A. & Beverly S. Karas  
39 Continental Drive  
New Windsor, NY 12553 ✓

45-2-13  
Diane M. Kennelly  
37 Continental Drive  
New Windsor, NY 12553 ✓

45-2-14  
John C. & Jean E. Roberts  
35 Continental Drive  
New Windsor, NY 12553 ✓

45-2-15  
Steven Ponesse & Dawn Marie Mulder  
33 Continental Drive  
New Windsor, NY 12553 ✓

45-2-16  
Steven A. & Shelia K. DeCicco  
31 Continental Drive  
New Windsor, NY 12553 ✓

45-2-17  
Edward & Lenore Smith  
29 Continental Drive  
New Windsor, NY 12553 ✓

45-3-1  
Donald & Karen Fassbender  
8 Musket Place  
New Windsor, NY 12553 ✓

30  
13  

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43 mailed 2/10/03

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 03-03**

**Request of FRANCO FIDANZA (PLANET WINGS)**

**for a VARIANCE of the Zoning Local Law to Permit:**


**ONE ADDITIONAL FREESTANDING SIGN; HEIGHT VARIANCE OF 3 FT; AND 3.5 FT x 12 FT WALL SIGN**

**being a VARIANCE of Section 48-18, H -1 (a&b)**

**for property located at: 325 Windsor Highway**

**known and designated as tax map Section 45 Block 1 Lot 40.21**

**PUBLIC HEARING will take place on FEBRUARY 24, 2003 AT 7:30 P.M.**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

A handwritten signature in black ink, reading "Lawrence N. Torley", is written over a horizontal line.

**Chairman**

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#43-2003**

**01/17/2003**

**Fidanza, Franco**  
24 Sunnyside Avenue  
Middletown, NY 10940-3810

**Received \$ 150.00 for Zoning Board Fees, on 01/17/2003. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green**  
**Town Clerk**



FRANCO FIDANZA  
24 SUNNYSIDE AVE  
MIDDLETOWN, NY 10940


339

1-108/210

DATE 1/14/03

PAY TO THE ORDER OF Town of New Windsor \$ 25.00

Twenty Five DOLLARS

HSBC 

HSBC Bank USA Middletown, NY 10940-2821

FOR Dep Public Hearing Francis J. Fagan MP

⑆021001088⑆478722982⑆ 0339

FRANCO FIDANZA  
24 SUNNYSIDE AVE  
MIDDLETOWN, NY 10940-3810


337

1-108/210

DATE 1/14/03

PAY TO THE ORDER OF Town of New Windsor \$ 150.00

One Hundred & Fifty DOLLARS

HSBC 

HSBC Bank USA Middletown, NY 10940-2821

FOR Application Fee Francis J. Fagan MP

⑆021001088⑆478722982⑆ 0337

FRANCO FIDANZA  
24 SUNNYSIDE AVE  
MIDDLETOWN, NY 10940-3810


338

1-108/210

DATE 1/14/03

PAY TO THE ORDER OF Town of New Windsor \$ 500.00

Five Hundred DOLLARS

HSBC 

HSBC Bank USA Middletown, NY 10940-2821

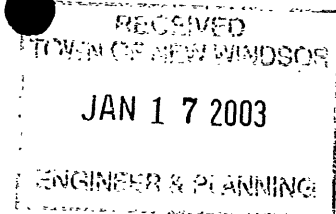
FOR Escrow Francis J. Fagan MP

⑆021001088⑆478722982⑆ 0338



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**



# \_\_\_\_\_ / \_\_\_\_\_ Application Type: Use Variance ☐ Area Variance ☐  
Date Sign Variance ☒ Interpretation ☐

**I. Owner Information:**

Phone Number: (845) 342-5705  
Fax Number: (845) 344-2958  
FRANCO FIANZA  
(Name)  
24 Sunnyside Ave  
(Address) Mission NJ 10940

**II. Purchaser or Lessee:**

Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

**III. Attorney:**

Phone Number: (845) 692-0006  
Fax Number: ( )  
Arthur Shapiro  
(Name)  
90 Crystal Run.  
(Address) Mission NJ 10940

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number (845) 386-4502  
Fax Number: ( )  
Philip Hlyby  
(Name)  
GEORGE RA, Otisville  
(Address) NY 10963

**V. Property Information:**

Zone: C Property Address in Question: 325 Windsor Hwy  
Lot Size: 100.00 x 222.00 Tax Map Number: Section 45 Block 1 Lot 40-21  
a. What other zones lie within 500 feet? R4 R5  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? 5 years  
d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? NO

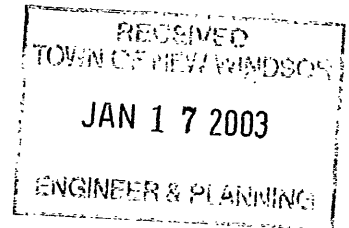
\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**03-03**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**



- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

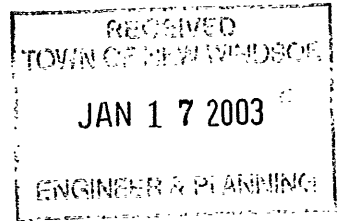
After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Application For Sign Variance

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**03-03**



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,  
Section 45-18 H.1, Supplementary Sign Regulations

	Requirements	Proposed or Available	Variance Request
Sign #1	<u>2 1/2 x 10 (25 SF)</u>	<u>35 SF</u>	<u>10 SF BLDG-FACADE</u>
Sign #2	<u>2 1/2 x 10 (25 SF)</u>	<u>25 SF</u>	<u>0 BLDG-SIDE ENTRY</u>
Sign #3			
Sign #4	<u>64 SF</u>	<u>15' H Internally Illuminated</u>	<u>Sign Pylon</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

BLDG-Sign Project Identification Uses Logos  
well as Letter. If 25 SF is utilized Letters +  
Logo would be Disproportionate to BLDG  
FACADE, + Appearance. SF channel. ty Letters  
Questionable

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs \_\_\_\_\_?

XI. INTERPRETATION:

BLDG - 35 + 25 = 60 SF  
Pylon 200 SF } 260 SF

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section \_\_\_\_\_

- (b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE  
OF SUBMITTAL.

03-03

Pylon - Exist signage SF (1) 7x12' + (1) 4x8' (200 SF) Internally  
illuminated sign ± 17' H - owner would like to "Dress up" Existing  
Legal. Non conforming sign to Aesthetically MATCH New Building Addition.

RECEIVED  
TOWN OF NEW WINDSOR  
JAN 17 2003

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Site is Being up GRABED with New BLDG Addition  
Exterior treatment of Exist BLDG, PAVING, LANDSCAPING  
lighting, + signage For overall Neighborhood improvement

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of referral from Building /Zoning Inspector or Planning Board.
- ☐ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ \_\_\_\_\_, (escrow)
  - ☐ One in the amount of \$ \_\_\_\_\_, (application fee)
  - ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles.

XIV. AFFIDAVIT.

Date: 1-13-03

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Francisco Fierawer  
(Applicant Signature)

Sworn to before me this 13<sup>th</sup> day of

JAN 2003

John Coulson  
NOTARY PUBLIC

Francisco Fierawer  
(Please Print Name)

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

JOSEPH M. COCCHIARA  
No. 03-4644544  
Notary Public, State of New York  
Qualified in Orange County  
My Commission Expires 1-31-2006

03-03